

REMARKS

Claims 1-5 are pending in the present application. Reconsideration of the present application is respectfully requested.

The applicants note with appreciation receiving the PTO form 1449 filed with the present application on October 8, 2003, on which the Examiner has initialed all listed items.

Applicants further respectfully request acknowledgment of applicants' claim for priority under 35 U.S.C. 119 and receipt of a certified copy of Japanese priority document JP2002-296025, which was filed with the present application on October 8, 2003.

Claims 1-5 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentably obvious over Goto et al, U.S. Patent No. 6,305,408 (hereinafter "Goto") in view of JP2002-274198 (hereinafter "'198"). The claims are amended herein to address this grounds for rejection.

Claim 1 as amended recites, *inter alia*, for example that a sealing member secures a sealing property between the neck body and a retainer, and is disposed between the inner peripheral surface of the neck body and the outer peripheral surface of the retainer, and is disposed closer to the fuel tank than the flange of the neck body.

It should be noted, for example, that in accordance with the language of claim 1, the sealing member 4 is disposed closer to a fuel tank than a flange 210 of a neck body 2, so it is possible to secure a sealing property between the neck body 2 and a retainer 3. The neck body 2 and the flange 210, for example, are formed integrally, so that any breaking or cracking occurs near the flange 210 of the neck body 2 when stress concentrates on the flange 210. Thus, using the claimed, invention, even if breaking or cracking occurs near the flange 210 of the neck body

2, the sealing member 4 can secure a sealing property between the neck body 2 and the retainer 3. It should be noted that the added features are supported by the description found, for example, in paragraphs [0013] to [0019] and [0045] to [0051] of the applicants' specification.

In making the rejection applicants first note that no evidence has been provided to show that the applied art combination was properly motivated. Notwithstanding the failure to provide evidence of motivation to combine the references, the applied art combination and Goto in particular at best show and describe a sealing member such as an O-ring disposed at an end portion of a neck body. However, the applied art combination and Goto in particular fails to teach or suggest a structure where a sealing member is disposed closer to the flange as claimed. As noted above the claimed configuration provides non-obvious advantages in preventing a loss of seal in the event of cracking in the vicinity of the flange. From a casual review of FIG.3 of Goto, it is clear that if cracking were to develop between pipe main body 41 and flange 42 of Goto, no seal would exist.

In '098, there is no flange taught as part of the neck body 4 as claimed, thus even if the applied art combination were properly motivated, it would still fail to teach or suggest the claimed features. Further because '098 fails to teach, for example, a neck body with a flange, there would be no reason to combine the teachings since no benefit would arise from a combination of Goto and '098.

Accordingly a *prima facie* case of obviousness has not been established with regard to the claimed invention since the applied art combination is improperly motivated. Further, the applied art combination still fails to teach or suggest the features of the claims as amended and thus the rejection should be reconsidered and withdrawn.

Applicants note for the record that Bovellan et al. U.S. Patent No 6,033,006, at best shows a basic structure wherein an O-ring is supported between pipes. Bovellan et al fails to

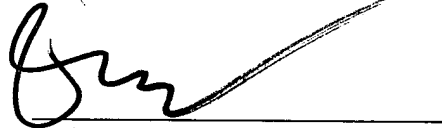
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teach or suggest the claimed structure in the present invention. Thus Bovellan alone or in combination with other art of record still fails to teach or suggest the claimed invention.

In view of the foregoing, the Applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'R. Scott', is written over a horizontal line.

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